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FOR IMMEDIATE RELEASE  
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**LAWYER SENTENCED TO 5 YEARS IN U.S. PRISON FOR CONSPIRACY  
TO COMMIT WITNESS TAMPERING AND OBSTRUCTION OF JUSTICE**

DAVID N. KELLEY, the United States Attorney for the Southern District of New York, announced the sentencing of DONALD ROTH, a Dutchess county attorney, on a charge of conspiracy to commit witness tampering and obstruction of justice. United States District Judge STEPHEN C. ROBINSON imposed the sentence of 5 years' imprisonment -- the maximum term of imprisonment permitted under the statute -- late Friday in White Plains federal court. ROTH and his co-defendant, private investigator DAVID ST. JOHN, were found guilty after a nine-week jury trial that ended in February 2004.

ROTH, 36, and ST. JOHN, 52, were convicted of conspiring to tamper with a federal witness and to obstruct justice in the federal narcotics cases of former ROTH and ST. JOHN clients Timothy "Big Tim" Cherry and Raymond "Ray Love" Bryant. The prosecution arose out of a long-term investigation of violent and drug crime conducted jointly by the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") and the City of

Newburgh Police Department. The operation has resulted in the conviction of approximately 20 defendants on federal firearm and narcotics charges, and additional convictions in state court in Orange County. Two of those charged as part of the probe were Newburgh residents Cherry and Bryant, both of whom were charged with federal crack cocaine offenses.

The proof at trial showed that ROTH represented both Cherry and Bryant, and used ST. JOHN as his investigator on their cases. The evidence against Cherry and Bryant had been gathered, in part, through the use of a confidential informant ("CI") working with the ATF. The proof at trial showed that ROTH, ST. JOHN and others agreed to attempt to get the CI to sign affidavits stating falsely that CI had not conducted narcotics transactions with Cherry and Bryant.

The proof at trial also demonstrated that ST. JOHN, while working for ROTH in connection with the representation of a murder defendant in Orange County, New York, obtained false affidavits that were used to convince the Orange County District Attorney's Office to accept a plea bargain that reduced that defendant's prison sentence from a possible 25 years to life to just 5 years.

In imposing the term of 5 years' imprisonment, Judge ROBINSON emphasized: 1) the damaging impact on the criminal justice system from the defendant's crime; and 2) ROTH's perjury at trial. Judge ROBINSON found that ROTH intentionally lied about numerous significant matters in his testimony. In addition

to the 5 years' imprisonment, Judge ROBINSON imposed a fine of \$10,000, and a term of supervised release of 3 years.

ROTH is free on bail pending appeal. ST. JOHN is scheduled to be sentenced on April 19, 2005.

Mr. KELLEY praised the outstanding investigative efforts of the ATF and the City of Newburgh Police Department.

Assistant United States Attorney CATHY SEIBEL is in charge of the prosecution.

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